

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARGIE HAMILTON,

Plaintiff,

Case No. 20-cv-10006

Hon. Matthew F. Leitman

v.

EDUCATION CREDIT
MANAGEMENT CORP.,

Defendant.

**ORDER (1) SUSTAINING IN PART AND OVERRULING IN PART
PLAINTIFF’S OBJECTIONS (ECF No. 19) TO REPORT AND
RECOMMENDATION (ECF No. 18) AND (2) GRANTING IN PART AND
DENYING IN PART DEFENDANT’S MOTION TO DISMISS (ECF No. 13)**

In this action, Plaintiff Margie Hamilton alleges that Defendant Educational Credit Management Corporation (“ECMC”) does not have authority to collect on her outstanding student loan debt. (*See* Am. Compl., ECF No. 12.) ECMC filed a motion to dismiss and/or for summary judgment on March 3, 2020. (*See* Mot. to Dismiss, ECF No. 13.) The motion was referred to the assigned Magistrate Judge. (*See* Order of Referral, ECF No. 9.) On September 22, 2020, the Magistrate Judge issued a report and recommendation in which she recommended that the Court grant the motion and dismiss Hamilton’s claims. (the “R&R”). (*See* R&R, ECF No. 18.)

Hamilton has now filed objections to the R&R. (*See* Objections, ECF No. 19.) The Court held a video hearing on Hamilton’s objections on March 26, 2021. (*See*

Notice of Hearing, ECF No. 23.) For the reasons explained during the motion hearing, **IT IS HEREBY ORDERED** as follows:

- Hamilton's objections (ECF No. 19) are **SUSTAINED IN PART AND OVERRULED IN PART** as explained on the record.
- ECMC's motion to dismiss (ECF No. 12) is **GRANTED** with respect to Hamilton's federal claims (Counts Two, Three, Four, and Five of Hamilton's Amended Complaint). Those claims are **DISMISSED**.
- ECMC's motion to dismiss is **DENIED** with respect to Hamilton's state-law claims (Counts One, Six, Seven, and Eight of Hamilton's Amended Complaint).
- The parties are to communicate with one another in an attempt to reach a resolution to this action. As part of those communications, ECMC shall provide Hamilton a statement of account showing the payments that she has made towards her loan and the amount outstanding on the loan.
- The Court will hold a video status conference with the parties in approximately sixty days to discuss next steps in this action.

IT IS SO ORDERED.

Dated: March 26, 2021

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 26, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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